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Damian Arregui

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EXAMINER

LIU, LIN

ART UNIT

PAPER NUMBER

2445

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,143	Applicant(s) ARREGUI ET AL.	
	Examiner LIN LIU	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communications filed on 08/19/2008.

Claims 1, 3 and 5-20 are pending and have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the profile refinement". There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

4. Applicant's arguments filed on 08/19/2008 have been fully considered but they are not persuasive.

5. After carefully reviewing the Applicant's remarks, the follow remarks are the main concerns that Applicant is arguing about.

Argument a:

On page 10 paragraph 1 of Applicant's remark, Applicant mainly argues that "Having one or more authorized users does not indicate that a workflow module can be removed or added. To further explain this distinction, the specification at [0022]

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indicates that users are different from workflow modules and workflow systems. Serbinis only indicates that there can be one or more authorized users, which is not equivalent to the number of workflow modules.”

Response:

In response to Applicant’s argument, the examiner respectfully disagrees with Applicant’s position. First, the claim language requires that “a plurality of workflow modules, that can be added or removed”. The examiner submits the “added or removed” phrase is alternative claim language and simply requires that only one condition to be mapped out. In the case of Serbinis, Serbinis discloses having an Originator’s computer 10 and one or more Authorized Users (11) (Serbinis: col. 8, lines 46-62). The examiner submits that such interpretation is proper.

Second, it appears that Applicant has a specific intended meaning of “workflow module”, which has not yet been included in the claims as presented. Therefore, such term is given its broadest reasonable interpretation as being e.g. *a web browser of a personal computer* of a user as taught by Serbinis (Serbinis: col. 12, lines 50-55). The examiner reaffirms that such interpretation is proper, because *a personal computer* is capable of performing any type of “workflow module”.

Finally, Applicant’s example given in the specification of “workflow module” being:

“The workflow modules 108 may consist of workflows carried out in any number of different forms such as a web service or a physical process.” (Specification: paragraph 25) (emphasis added).

It is clearly shown from the above example given by the Applicant, that such workflow module encompasses the *web browser service of a personal computer of a user* as disclosed in Serbinis (Serbinis: col. 12, lines 50-55). Therefore, Applicant's argument is deemed not persuasive.

Argument b:

On page 10 last paragraph of Applicant's remark, Applicant mainly argues that "Serbinis does not teach managing documents by a workflow module according to the subject in the document itself. Thus, there is a distinction between the filtering of documents and allocating documents based upon translation and according to the subject matter described in a document as claimed."

Response:

In response to Applicant's argument, the examiner respectfully disagrees with Applicant's position. The exact presently recited claim language of this portion that Applicant argues is: "one of the at least two workflow modules is associated with a user that performs one or more tasks to produce one or more documents that are managed by a workflow module according to subject matter described in the one or more documents." (emphasis added). In another words, the claim language merely requires that *one of the at least two workflow modules to produce a document according to subject matter, wherein the workflow module is associated with a user, and the workflow module manages the document*. Therefore, the examiner submits that Serbinis explicitly teaches a workflow module (e.g. originator computer) filters the document before it is

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being produced and uploaded to the DMS system, wherein the filtering function is done according to a subject matter of either compressed, encrypted, or translated format (Serbinis: col. 9, lines 33-49).

In addition, one of Applicant's illustrative examples of the present invention includes:

[0030] By way of a first example consider a large organization that has geographically distributed locations, with each location having its own well-established hiring process (that can be defined as a workflow). The locations cooperate with each other by sharing information about interested candidates they do not decide to hire because of lack of need. The process is initiated by the DND 104 by identifying and delivering to each resource department subscribed for document notifications related to resumes (i.e., CVs) posted on public document repositories 102A. These CVs are reviewed by the subscribers 107 of the human resource department to filter out and select CVs of interest. Those CVs of interest are published to a proprietary document repository 102B that is either subscribed to by location hiring workflows or by subscribers 107. (Specification: paragraph 30) (emphasis added).

Therefore, it is clearly shown from the above disclosure of the Applicant's example, that such "subject matter" is used to filter out the produced documents before it reaches a second workflow module (e.g. authorized user), which is substantially equivalent to the filtering function of Serbinis. Therefore, Applicant's argument is deemed not persuasive.

Argument c:

On page 10 last paragraph of Applicant's remark, Applicant mainly argues that "Based on analysis of Serbinis, col. 8, lines 63-67 and col. 9, lines 50-67, Serbinis indicates that users have documents that are available. This does not indicate that there are two or more workflow modules that interact with each other. This only indicates that

documents are available for a user. There is no indication in Serbinis of multiple workflow modules working together as described in claims 1, 10, and 19.”

Response:

In response to Applicant’s argument, the examiner respectfully disagrees with Applicant’s position. As it is clearly explain in the response to argument a section, that Examiner interprets the “workflow module” as e.g. *a web browser of a personal computer of a user* as taught by Serbinis. Therefore, when an originator computer uploads a document to the DMS system, such document becomes available for a user, a notification is sent to the user. Thereupon, the user logs into the DMS system using a previously known web browser to retrieve the document (Serbinis: col. 9, lines 9-31 and lines 50-67).

6. Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

7. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows

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multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

8. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims **1-8, 10-17 and 19-20** are rejected under 35 U.S.C 102 (e) as being anticipated by **Serbinis et al. (Patent no.: US 6,584,466 B1)**.

With respect to **claim 1**, Serbinis teaches a document management system, comprising:

a plurality of document repositories for storing documents (Serbinis: fig. 1A & 1B, col. 5, lines 35-45, noted that multiple stores could be used);

a document notification and delivery service (DNDS) for detecting documents pertaining to subjects of interest that are stored in the document repositories (Serbinis: fig. 1A & 1B, col. 5 line 63 to col. 6 line 18); and

a plurality of workflow modules, that can be added or removed, subscribing to the DNDS to receive documents identified that pertain to one or more subscribed subjects of interest; at least two workflow modules producing one or more documents that are published to one or more of the document repositories (Serbinis: fig. 1A & 1B, col. 8, lines 46-67);

wherein a first workflow module publishes to one of the document repositories a first document which is detected by the DNDS and which pertains to at least one subscribed subject of interest of a second workflow module (Serbinis: fig. 4, col. 8, lines 62-67, and col. 9, lines 50-67);

subsequent to the publication of the first document by the DNDS to the one of the document repositories, the DNDS processes the first document (Serbinis: col. 10 line 65 to col. 11 line 6) and then delivers the first document to the second workflow module that does not require the first workflow module to produce a second document (Serbinis: fig. 4, col. 9, lines 50-67);

the DNDS includes a subject refinement module for monitoring document notifications and delivery requests associated with the document notifications to provide subject refinement data (Serbinis: col. 9, line 50 to col. 10 line 5), and using the subject

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refinement data to refine subjects in a subject directory for representing subjects of the plurality of documents in the plurality of document repositories (Serbinis: col. 11 lines 1-5, and col. 12, lines 43-59);

one of the at least two workflow modules is associated with a user that performs one or more tasks to produce one or more documents that are managed by a workflow module according to subject matter described in the one or more documents (Serbinis: fig. 1A & 1B, col. 8, lines 62-67, and col. 9, lines 32-67).

With respect to **claim 3**, Serbinis teaches document management system according to claim 1, wherein one of the plurality of workflow modules is one of a web service and a process associated with a user that performs one or more tasks to produce the one or more documents (Serbinis col. 4, lines 41-60, and col. 12, lines 43-59): .

With respect to **claim 5**, Serbinis teaches the document management system according to claim 1, wherein the DNDs processes the first document by performing one of summarization, enrichment, and translation (Serbinis: col. 9, lines 33-49, and col. 12, lines 43-59).

With respect to **claim 6**, Serbinis teaches the document management system according to claim 1, wherein the DNDs further comprises means for:

(a) monitoring events and attributes concerning detected documents for which notification or delivery are performed (Serbinis: col. 11, lines 36-45); and

(b) using the monitored events and attributes to identify ones of the detected documents as highly rated documents for notification to users not originally subscribed

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to the subject of interest for which the notification or delivery is performed (Serbinis: col. 12, lines 43-59).

With respect to **claim 7**, Serbinis teaches the document management system according to claim 1, wherein the DNDs further comprises:

a plurality of document repositories with each being adapted to store a plurality of documents (Serbinis: fig. 1A & 1B, col. 6, lines 19-45 and col. 7, lines 16-27);

a subject directory for representing subjects of the plurality of documents in the plurality of document repositories (Serbinis: fig. 3, col. 7, lines 16-40);

a profile directory for representing a plurality of users accounts, with each user account subscribing to at least one subject of interest (Serbinis: fig. 2, col. 4, lines 19-56);

a subject refinement module for:

monitoring document notifications and delivery requests associated with the document notifications to provide subject refinement data (Serbinis: col. 9, line 50 to col. 10 line 5); and

using the subject refinement data to refine subjects in the subject directory (Serbinis: col. 11 lines 1-5, and col. 12, lines 43-59);

With respect to **claim 8**, Serbinis teaches the document management system according to claim 1, wherein the DNDs further comprises:

a profile directory for representing a plurality of users accounts, with each user account subscribing to at least one subject of interest (Serbinis: fig. 2, col. 4, lines 19-56); and

the profile refinement module refines user preferences for document notification and delivery (Serbinis: fig. 2, col. 6, line 19 to col. 7, line 8).

In regard to **claims 10-17**, the limitations of these claims are substantially the same as those in claims 1-8, but rather in method form. Therefore the same rationale for rejecting claims 1-8 is used to reject claims 10-17. By this rationale **claims 10-17** are rejected.

In regard to **claims 19-20**, the limitations of these claims are substantially the same as those in claims 1-2, but rather in method form. Therefore the same rationale for rejecting claims 1-2 is used to reject claims 19-20. By this rationale **claims 19-20** are rejected.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Serbinis et al. (Patent no.: US 6,584,466 B1)** in view of **Jin et al. (Patent no.: US 6,330,689 B1)**.

With respect to **claim 9**, Serbinis the document management system according to claim 1, wherein the DNDS further comprises a failure recovery module for:

recording component failure information (Serbinis: col. 6, line 64 to col. 7, line 3). However, Serbinis does not explicitly teach a method of assigning each of the document repositories according to one of a plurality of operating behaviors using the component failure information; and determining appropriate action to take in response to component identified failures using the operating behavior assigned to the document repository to which the component is associated; wherein the plurality of operating behaviors are rated as one of: "very reliable," "reliable," "unreliable," and "very unreliable."

In the same field of endeavor, Jin teaches a method of assigning each of the document repositories according to one of a plurality of operating behaviors using the component failure information (Jin: col. 4, line 63 to col. 5, line 7); and determining appropriate action to take in response to component identified failures using the operating behavior assigned to the document repository to which the component is associated; wherein the plurality of operating behaviors are rated as one of: "very reliable," "reliable," "unreliable," and "very unreliable." (Jin: col. 8, line 66 to col. 9, line 17, and col. 9, lines 47-63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of detecting and recovering the failure processing of document as taught by Jin in Serbinis' invention in order to provide fast and cost-effective document storage system while preventing the system from crashing (Jin: col. 3, line 65-67).

In regard to **claim 18**, the limitations of this claim are substantially the same as those in claim 9. Therefore the same rationale for rejecting claim 9 is used to reject claim 18. By this rationale **claim 18** is rejected.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./

/Patrice Winder/
Primary Examiner, Art Unit 2445

/Lin Liu/

Examiner, Art Unit 2445